



## Work Session Agenda

Washington State Parks and Recreation Commission

Wednesday September 9, 2015

Center Place Event Center, 2426 N. Discovery Place, Spokane Valley, WA 99216

**Time:** Opening session will begin as shown; all other times are approximate.

**Public Comment:** This is a work session between staff and the Commission. The public is invited but no public comment will be taken. No decisions will be made by the Commission at the work session.

**9:00 a.m. CALL TO ORDER** – Steve Milner, Commission Vice-Chair

- Call of the roll
- Changes to agenda

**9:05 a.m. LOGISTICS**

- Meeting and Evening Functions

**9:10 a.m. COMMISSIONER REPORTS**

**9:50 a.m. STAFF REPORTS**

**10:30 a.m. STATEWIDE LAND ACQUISITION STRATEGY** – Peter Herzog, Assistant Director and Steve Brand, Partnerships and Planning Program Manager

- This item seeks Commission discussion on preliminary concepts to include in a future land acquisition and new park development strategy.

**11:15 a.m. WASHINGTON WILDLIFE AND RECREATION PROGRAM (WWRP)– LEGISLATIVE DIRECTION** – Nikki Fields, Parks Planner

- This item provides the Commission with the legislative direction given to the Recreation Conservation Office (RCO) to review the WWRP and provide recommended statutory and policy change to the Legislature by December 1, 2015.

**12:00 p.m. LUNCH**

**12:30 p.m. RECREATION BUSINESS ACTIVITIES AND ENTERPRISE LANDS IMPLEMENTATION** – Steve Hahn, Lands Program Manager

- This item outlines priorities and anticipated sequencing of projects for implementing the Commission's real estate management policy.

- 1:15 p.m. NO CHILD LEFT INSIDE PROGRAM** – Steve Brand, Partnerships and Planning Program Manager
- This item provides the Commission an overview of the cooperative effort with the Recreation and Conservation Office to administer the No Child Left Inside program funded by the Legislature this biennium.
- 1:45 p.m. LAKE SAMMAMISH STATE PARK TRANSFORMATION UPDATE** – Peter Herzog, Assistant Director
- This item provides the Commission an update on activities to develop partnerships and build public support at Lake Sammamish State Park.
- 2:15 p.m. DIRECTORS CONTRACT MID YEAR UPDATE** – Daniel Farber, Policy and Governmental Affairs
- This item provides a mid-year update on progress in fulfilling the terms of the Directors annual Performance Agreement with the Commission.
- 2:35 p.m. 2015-2017 BUDGET STATUS REPORT** – Shelly Hagen, Finance, Technology and Business Services Director
- This item provides the Commission with an update on the 2015-17 spending plans including the earned revenue forecast. This item aligns with the Commission transformation strategy “Adopting a business approach to park administration” and with Agency culture and core values.
- 3:10 p.m. BREAK**
- 3:20 p.m. STRATEGIC PLAN 2014-2019 UPDATE AND REVIEW: MEETING RESULTS AND SUMMARY** – Executive Leadership Team
- This item provides information and direction discussed by the Executive Leadership Team toward the development of a 2016-2021 Agency Strategic Plan and provides for Commission/Staff discussion regarding future agency plans and policies.
- 4:30 p.m. WAC UPDATES** – Mike Sternback, Assistant Director
- This item will inform the Commission of potential updates to WAC (Washington Administrative Code) which will come forward for action in the future.

**Commission Meeting Agenda**  
Washington State Parks and Recreation Commission

September 10, 2015  
Center Place Event Center, 2426 N. Discovery Place, Spokane Valley, WA 99216

**Time:** Opening session will begin as shown; all other times are approximate.

**Order of Presentation:** In general, each agenda item will include a presentation, followed by Commission discussion and then public comment. The Commission makes decisions following the public comment portion of the agenda.

**Public Comment:**

Comments about topics not on the agenda are taken during General Public Comments.

Comments about agenda topics will be taken with each topic.

If you wish to comment at a meeting, please fill out a comment card and provide it to staff at the sign in table. The Chair will call you up to the front at the appropriate time. You may also submit written comments to the Commission by emailing them to [Commission@parks.wa.gov](mailto:Commission@parks.wa.gov) by noon on September 3, 2015.

- 9:00 a.m.      CALL TO ORDER** – Patricia Lantz, Commission Chair
- Flag Salute, Chris Guidotti, Greater Spokane Area Manager
  - Call of the roll
  - Introduction of Staff
  - Recognition of State and Local Officials
  - Approval of the Agenda
  - Approval of minutes of previous meeting: July 23, 2015 - Poulsbo
- 9:15 a.m.      STEWARDSHIP CERTIFICATION AWARD**
- John Tillison, Park Ranger, Riverside State Park
- 9:25 a.m.      PUBLIC COMMENTS: Pre-Arranged Speakers**
- Brad McQuarrie, MS 2000
  - Tracy Wright, Vice-President, Yakima Valley Disc Golf Club
- 9:55 a.m.      GENERAL PUBLIC COMMENTS: Topics not on the agenda**

**10:10 a.m. REQUESTED ACTION**

- Item E-1: Riverside State Park Land Long-Term Agreement Spokane County

This item asks the Washington State Parks and Recreation Commission to delegate authority to the Director to enter into a long-term management agreement with Spokane County Parks, Recreation and Golf for the Trautman property located adjacent to Riverside State Park. This item aligns with Agency core values and advances the Commission Transformation Strategy, “Form strategic partnerships with other agencies, tribes, and non-profits.”

**10:55 a.m. BREAK**

**11:10 a.m. REQUESTED ACTION**

- Item E-2: Crystal Falls Emergency Salvage Harvest

This item asks the Washington State Parks and Recreation Commission to delegate authority to the Director to approve the sale of excess timber resulting from a July 2015 major wind event at Crystal Falls State Park Property. This item aligns with Agency core values and advances the Commission Transformation Strategy, “Provide recreational, cultural, and interpretive opportunities people will want.”

**11:45 a.m. LUNCH**

**12:15 p.m. REQUESTED ACTION**

- Item E-3: 2016 Supplemental Budget Request

This This item asks the Washington State Parks and Recreation Commission to approve policy direction for 2016 Supplemental Capital and Operating budget requests to the Office of Financial Management (OFM). This item also requests that the Commission authorize the Director or designee to submit supplemental budget proposals to OFM consistent with Commission policy direction. This item aligns with Agency core values and advances the Commission Transformation Strategy, “Adopting a business approach to park administration”.

**12:45 p.m. REQUESTED ACTION**

- Item E-4: Agency Request Legislation for the 2016 Session

This item asks the Washington State Parks and Recreation Commission to establish principles to evaluate statutory proposals for the 2016 legislative session, and not submit 2016 agency request legislation. This item aligns with Agency core values and advances the

Commission Transformation Strategy: “Adopt a business approach to park system administration.”

**1:20 p.m. BREAK**

**1:30 p.m. REQUESTED ACTION**

- Item E-5: Saint Edward Seminary – Extension of Deadline for Proposals

This item asks the Washington State Parks and Recreation Commission to extend the time allowed for submittal of proposals for rehabilitation of the Saint Edward Seminary. This item aligns with Agency core values and advances the Commission Transformation Strategy, “Adopt a business approach to park system administration”.

**3:15 p.m. REQUESTED ACTION**

- Item E-6: Real Estate Delegations of Authority

In January and March, 2015, the Washington State Parks and Recreation Commission (Commission) made changes to its policy on delegation of authority to Commission staff to enter into certain types of real estate transactions. This item asks the Commission to codify those previously made policy changes in a revised Commission Policy 25-07-01, Delegations of Authority for Real Estate Transactions & Service and to make minor “housekeeping” changes to that Policy. This item Aligns with agency core values and advances the Commission Transformation Strategy: “Adopt a business approach to park system administration.”

**4:00 p.m. EXECUTIVE SESSION *If needed***

**ADJOURN MEETING**

### **Item E-1: Riverside State Park Land Long-Term Agreement Spokane County – Requested Action**

**EXECUTIVE SUMMARY:** This item asks the Washington State Parks and Recreation Commission to delegate authority to the Director to enter into a long-term management agreement with Spokane County Parks, Recreation and Golf for the Trautman property located within the Riverside State Park long-term boundary. This item aligns with Agency core values and advances the Commission Transformation Strategy: “Form strategic partnerships with other agencies, tribes, and non-profits.”

#### **SIGNIFICANT BACKGROUND INFORMATION:**

In July 2015, the Commission adopted new land classifications and adjusted the long-term boundary of Riverside State Park to include the Trautman parcel near the park’s Nine Mile area

(Appendix 1). This action also directed staff to pursue a long-term interagency agreement with Spokane County to manage the Trautman property as part of the park (Appendix 2).

The Trautman parcel, also known as the Nine Mile Conservation Area, is a 280-acre former agricultural property that borders agency-owned lands on three sides. It includes two metal-clad buildings available for maintenance purposes, roads, trails, pastures, forested areas, and wetlands. Portions of the property include steep topography.

The land was acquired by Spokane County using Conservation Futures Program funding in 2015. The primary purpose of the program is to acquire, preserve, and protect Spokane County's open space, streams, rivers, and other natural resources. Consistent with the County's Conservation Futures Program, the property will provide for passive recreation such as hiking, biking, and equestrian activities and wildlife habitat conservation. Both State Parks and Spokane County share a long-term interest in conserving the parcel's natural resource values while providing appropriate public access.

### **Agreement with Spokane County**

A 50-year agreement between State Parks and Spokane County is being proposed. Under the agreement, the parties would initially work together to develop signs that provide information on the property, the partners, and the Conservation Futures Program's role in acquisition. Spokane County would be responsible for distribution of the endowment and separate recreation donation upon the request of State Parks.

Otherwise, State Parks would operate the property as part of Riverside State Park, as outlined in the draft agreement (Appendix 2). The foundation of this agreement is meant to allow State Parks flexibility. The Trautman property would be managed consistent with the entire park, as well as the land classifications *resource recreation* and *recreation*. The agreement also emphasizes limitations in development to ensure that the property is maintained for passive public access.

### **Potential Operating Costs**

Staff has identified tasks associated with accepting management responsibility for the Trautman parcel. These include initial, day-to-day, and long term activities to establish and maintain improvements and steward natural resources. Staff has identified sufficient fund sources to pay for or otherwise absorb costs within existing program funding as described below.

#### **Initial activities**

- Property clean up and removal of structures has been completed by the previous owner and Spokane County.
- Initial access and trail development will be completed with donated funds and volunteers.
- Initial forest health treatments to establish shaded fuel breaks between the property and adjacent residential area will be funded using the established endowment and through available statewide forest health funds.

#### **Day to day management activities**

- Trail maintenance activities will be completed with funds from the established endowment and volunteers.
- Noxious weed control (will be completed with funds from the established endowment
- Park staff related costs (less than \$5,000 per year) include periodic patrol, response to emergencies, and supervision of volunteers and will be paid for with existing park operating funds).

#### Long-term management activities

- Long term forest health treatment cost will be prioritized and incorporated into the agency's statewide forest health treatment program.

Staff believes that in light of the recreation and conservation benefits provided by the Trautman parcel, operating costs are not overly burdensome and should not be considered a barrier to accepting management responsibility.

#### **STAFF RECOMMENDATION:**

In accordance with the Commission's adopted delegations of authority for real estate transactions and service, interagency agreements of this scope and duration require Commission approval. Staff recommends that the Commission delegate authority to the Director to enter into a long-term agreement with Spokane County Parks, Recreation and Golf to manage the Trautman parcel consistent with Commission adopted land classifications. A draft interagency agreement is included as Appendix 2.

#### **LEGAL AUTHORITY:**

RCW 79A.05.030 (8) – Powers and duties - Mandatory

RCW 79A.05.075 – Delegation of commission's powers and duties to director

#### **SUPPORTING INFORMATION:**

Appendix 1: Map of Trautman property

Appendix 2: Draft long-term management agreement

#### **REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission*

1. Delegate authority to the Director to enter into a long-term management agreement with Spokane County Parks, Recreation and Golf to accept management responsibility for the Trautman property generally consistent with the draft agreement included as Appendix 2 and with adopted land classifications.

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**Author(s):** Michael Hankinson, Parks Planner  
[Michael.hankinson@parks.wa.gov](mailto:Michael.hankinson@parks.wa.gov) (360) 902-8671

**Reviewer(s):**

**Randy Kline, SEPA Review:** Pursuant to WAC 197-11-310 and WAC 197-11-340, staff issued a “Determination of Non-Significance” for the staff recommendation finding that the action proposed by Commission staff was minor and the environmental effects not significant.

**Chris Leeper, Fiscal Impact Review:** Adoption of this requested action has an indeterminate fiscal impact. There will be a fiscal impact in partnering with Spokane County in the management of the Trautman property. Some costs have been outlined in the proposal and there will be additional unquantified operating impacts. This partnership will provide Parks access to an established endowment for stewardship and a donation for trail development to help defray expenses. Approval of this proposal could potentially increase revenue but will need further economic analysis to determine the total fiscal impact.

**Michael Young, Assistant Attorney General Review:** August 13, 2015

**Peter Herzog, Assistant Director**

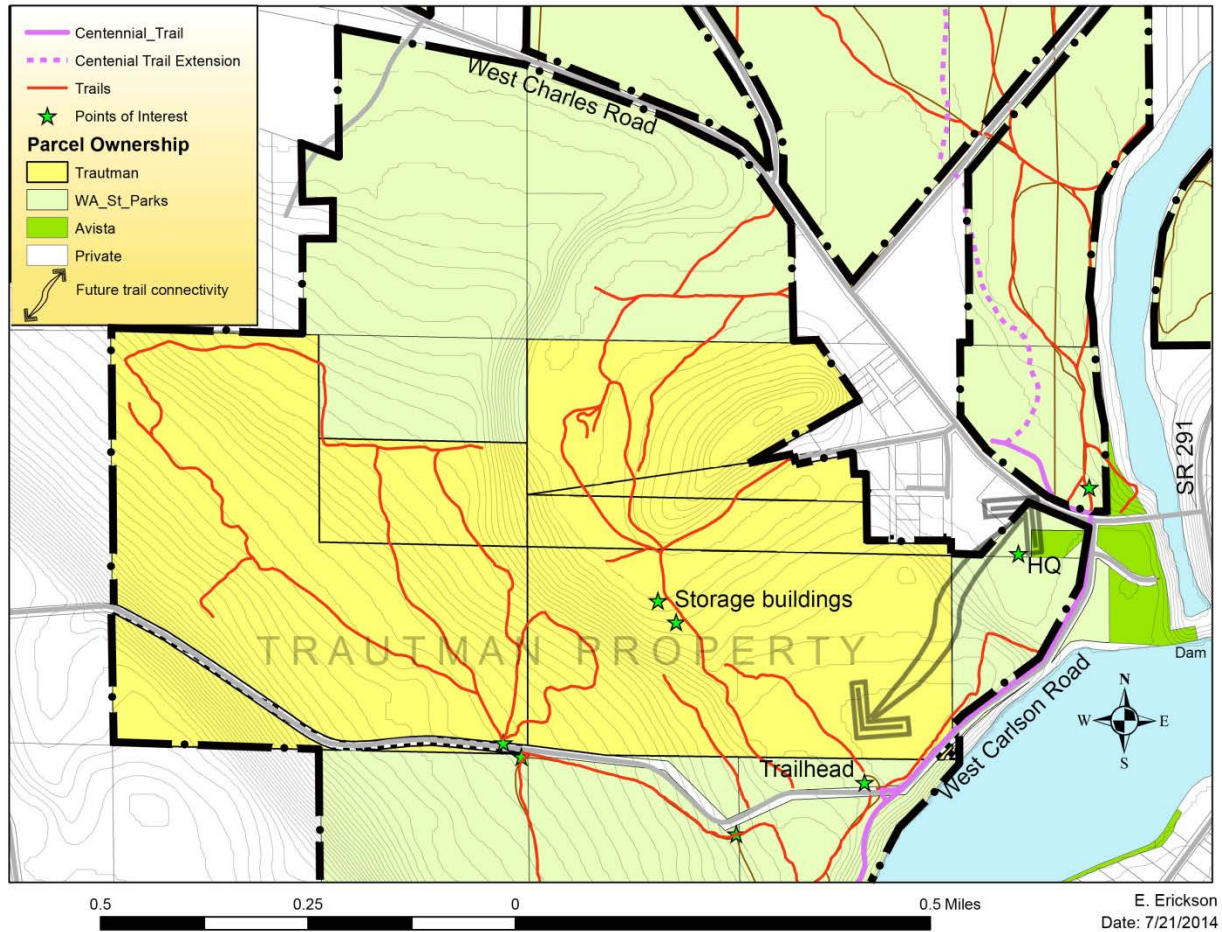
**Approved for Transmittal to Commission:**

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**Don Hoch, Director**



# APPENDIX 1 MAP OF TRAUTMAN PROPERTY



## **APPENDIX 2**

### **DRAFT LONG-TERM MANAGEMENT AGREEMENT**

#### AGREEMENT BETWEEN SPOKANE COUNTY AND WASHINGTON STATE PARKS AND RECREATION COMMISSION FOR THE MANAGEMENT AND OPERATION OF NINE MILE CONSERVATION AREA

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between SPOKANE COUNTY, a political subdivision of the State of Washington, having offices for the transaction of business at West 1116 Broadway Avenue, Spokane, Washington, 99260, hereinafter referred to as the "County," and the WASHINGTON STATE PARKS AND RECREATION COMMISSION, having offices for the transaction of business at P.O. Box 42650, Olympia, Washington, 98504, hereinafter referred to as the "State," jointly hereinafter referred to as the "Parties."

#### **WITNESSETH**

**WHEREAS**, the Board of County Commissioners, pursuant to the provisions of RCW 36.32.120(6), has the care of County property and the management of County funds and business; and

**WHEREAS**, in 2015, the County acquired 275.82 acres known as the "Trautman Property" ("Subject Property"), which is more particularly described in Exhibit A, attached hereto, through the Spokane County Conservation Futures Program for natural open space and passive recreation purposes pursuant to Revised Code of Washington (RCW) 84.34; and

**WHEREAS**, the Subject Property is bordered on three sides by Riverside State Park and is situated less than a one quarter mile from Riverside State Park's office; and

**WHEREAS**, the County received a letter from Washington State Parks and Recreation Commission staff dated August 14<sup>th</sup>, 2014, in support of the Subject Property's acquisition by the County and at that time expressed a desire to manage the Subject Property subject to the Revised Code of Washington 84.34; and

**WHEREAS**, the County is desirous of having the State manage and operate the Subject Property as part of Riverside State Park as the management of said property by the State is anticipated to generate efficiencies and consistency that will benefit the Parties, the general public, and the Subject Property; and

**WHEREAS**, the Parties are desirous of entering into a management Agreement for the long-term care and operations of the Subject Property.

**NOW, THEREFORE**, for and in consideration of the mutual promises set forth hereinafter, the Parties hereto do agree as follows:

## **SECTION 1: PURPOSE**

This Agreement is entered into between the Parties for the purpose of use, management, operation, and enhancement of the Subject Property, consistent with Chapter 84.34 of the Revised Code of Washington (RCW), for the benefit of Spokane County residents and wildlife. The exact legal description of the Subject Property is attached hereto and incorporated by this reference as “Exhibit A.”

## **SECTION 2: AGREEMENT TERM**

The County shall convey the management and operations of the Subject Property for a 50-year period, commencing September 1<sup>st</sup>, 2015 and ending August 30<sup>th</sup>, 2065 unless terminated earlier as provided in this Agreement.

## **SECTION 3: USE OF THE SUBJECT PROPERTY**

The Subject Property shall be used and managed in perpetuity for passive non-motorized recreation by the public; and, in such manner as to protect the natural habitat and natural resources of the Subject Property. Any construction, building, improvement or use of the Subject Property, other than improvements associated with the public’s use of such open space permitted by Chapter 84.34 RCW is prohibited unless otherwise specified in Section 5 of this Agreement. The Spokane County Parks, Recreation and Golf Director’s permission shall be required for any new construction or other new physical improvement on the Subject Property associated with the public’s use of the Subject Property, which permission shall not be unreasonably withheld. Ownership of all improvements to the Premises shall be transferred or deeded to the County upon termination of this Agreement.

Upon execution of this Agreement, the Parties will work together to install an informational kiosk at the main public access point to the property to provide information on the property, partners and the Conservation Futures Program’s role in acquiring the Subject Property.

County permission will not be required for routine maintenance of the Subject Property. In the event of an emergency that the State reasonably believes involves or affects public safety and after first making reasonable attempts to notify the Spokane County Parks, Recreation & Golf Director, the State may commence such maintenance and improvement activities as are permitted by State law and reasonably necessary to preserve public safety.

In order to facilitate the public’s safe enjoyment of the Subject Property, the site shall be maintained in good condition and repair by the State, consistent with Resource Recreation Areas as described in Washington Administrative Code (WAC) 352-16-020 and Chapter 84.34 RCW.

The planned re-alignment of the Centennial Trail on the Subject Property to separate the Trail from Carlson Road will be reasonably allowed by the Parties should funding materialize to construct the re-alignment. Said section of the Centennial Trail will be managed subject to the Spokane River Centennial Trail Interagency Cooperative Agreement.

The County shall provide non-financial support to help the State seek funding to facilitate forest health management and/or other land stewardship activities on the Subject Property. This does not preclude the County from being able to provide financial assistance or other contributions (e.g. labor, equipment, materials) towards said management activities should resources be available.

#### **SECTION 4: MAINTENANCE ENDOWMENT FUND**

The Subject Property has an associated maintenance endowment fund (“fund”) that has been established for the long-term care, enhancement, and management of said property. The fund is managed by the County and will be made available to the State to care for the Subject Property, consistent with Section 3 of this Agreement, on a request basis to the Spokane County Parks, Recreation & Golf Director (“Director”). The fund shall be used to purchase materials, supplies, and professional services and barring special circumstances (e.g. emergency repairs), is not intended to be used to pay salaries of full time “State” employees. The Director shall not unreasonably deny the State’s request for use of the fund.

#### **SECTION 5: USE OF STORAGE BUILDINGS**

There are two modern storage buildings on the Subject Property (*See* “Exhibit A” - Map). The north building has electricity, a stove for heat, and storage for vehicles and equipment. The south building is a basic storage building with no electricity at this time. The State shall have the exclusive right to operate, maintain, and otherwise improve the north building consistent with State law and consistent with operating and maintaining the Subject Property. The County shall have the exclusive right to operate, maintain, and otherwise improve the south building consistent with operating and maintaining Conservation Futures acquired lands. The Director may allow the State use of the south building on a case by case basis until such time as the County no longer needs the south building. At such time, the Director shall convey to the State full access to the south building.

#### **SECTION 6: TERMINATION**

The County may give provide written notice to the State of the State’s failure to comply with any of the terms, conditions and covenants of this Agreement. The State shall have thirty (30) day to correct the non-compliance. If the State fails to correct the non-compliance within such time, the County may terminate this Agreement. Upon termination, the County shall have the right to: (a) to re-enter and take possession of the Subject Property and improvements; (2) eject the State and those claiming through it or under it; and (3) remove their property and effects without any liability therefore-- and without liability for any interruption of the conduct of the affairs of the State, or those claiming through or under it.

#### **SECTION 7: INDEMNIFICATION**

The County shall protect, defend, indemnify, and hold harmless the State, its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and

all costs, claims, judgments, and/or awards of damages (both to persons and/or property). The County will not be required to indemnify, defend, or save harmless the State if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the State, and its officers, officials, employees, and agents while acting within the scope of their employment as such. Where such claims, suits, or actions result from the concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.

To the extent allowed by law, the State agrees to protect, defend, indemnify, and hold harmless the County its officers, officials, employees, and agents while acting within the scope of their employment as such, from any and all costs, claims, judgments and/or awards of damages (both to persons and/or property). The State will not be required to indemnify, defend, or save harmless the County if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the County, and its officers, officials, employees, and agents while acting within the scope of their employment as such. Where such claims, suits, or actions result from the concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.

The County agrees that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any County employees or agents while performing work authorized under this Agreement. For this purpose, the County, by mutual negotiation, hereby waives with respect to the State only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of Chapter 51.12 RCW.

These indemnifications and waiver shall survive the termination of this Agreement.

No officers, officials, employees, and agents of the State or the County shall be personally liable for any act, or failure to act, in connection with this Agreement, while acting within the scope of their authority.

## **SECTION 8: INDEPENDENT CONTRACTOR**

The Parties intend that an independent contractor relationship will be created by this Agreement. No agent, employee, servant or otherwise of the State shall be or shall be deemed to be an employee, agent, servant or otherwise of the County for any purpose, and the employees of the State are not entitled to any of the benefits that the County provides for its employees. The State will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors, or otherwise during the performance of this contract. In the performance of the services herein contemplated the State is an independent contractor with the authority to control and direct the performance and details of the work, the County being interested only in the results obtained; however, the work contemplated herein shall meet the approval of the County pursuant to the provisions of the Agreement.

## **SECTION 9: DISPUTE RESOLUTION PROCEDURE**

Any dispute or controversy arising out of or relating to this Agreement, or breach thereof, shall

be settled by the following procedure.

Level 1: Before entering into Level 2 or Level 3 of this Dispute Resolution Procedure (DRP), designated representatives of each party shall enter into a series of meetings for the purpose of resolving the dispute or controversy. The Level 1 period shall begin when one party gives notice to the other by certified mail that it is entering into this Level 1 procedure to resolve the dispute. Should the dispute not be resolved within thirty (30) days of the commencement of the Level 1 period, the dispute shall be advanced to Level 2.

Level 2: Only after the Parties have completed Level 1 of the DRP without resolving the dispute or controversy and before entering into Level 3 of the DRP, the Parties shall enter into a mediation process. Each party shall bear its own costs in preparing for and conducting mediation, except that the joint costs, if any, of the actual mediation proceeding shall be shared equally by the Parties. The Parties shall select a mutually agreeable mediator to aid the Parties in resolving the dispute or controversy. The mediator shall not be an employee or former employee of either party. The mediation shall be held at a mutually agreeable location.

Level 3: Only after the completion of both Levels 1 and 2 above without a satisfactory resolution of the dispute or controversy, either party may bring suit in in the courts of competent jurisdiction within Spokane County, Washington. Each party shall bear its own attorneys' fees and costs of any such litigation.

#### **SECTION 10: ASSIGNMENT**

The State shall not assign this Agreement nor sublet the Subject Property in whole or part without the prior written consent of the County.

#### **SECTION 11: MODIFICATION**

No modification or amendment to this Agreement shall be valid until the same is reduced to writing and executed with the same formalities as this present Agreement.

#### **SECTION 12: VENUE STIPULATION**

This Agreement has and shall be constructed as having been made and delivered in the State of Washington and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement of any provision hereto shall be instituted only in the courts of competent jurisdiction within Spokane County, Washington.

### **SECTION 13: WAIVER**

No officer, employee, agent or otherwise of the State or County has the power, right or authority to waive any of the conditions or provisions to this Agreement. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement or at law shall be taken and constructed as cumulative, that is, in addition to every other remedy provided herein or by law. Failure of either party to enforce at any time any of the provisions of this Agreement or to require at any time full and complete performance by the other of any provision hereof, shall in no way be construed to be a waiver of such provisions, nor in any way affect the validity of this Agreement or any part hereof, or the right of either party to hereafter enforce each and every such provision.

### **SECTION 14: NOTICES**

All notices required or permitted under this Agreement shall be in writing and served upon the Parties in person or by certified or registered mail(return receipt requested) directed to the addresses set forth below or addresses designated by a party pursuant to written notice. Any notice so mailed shall be effective three (3) days after mailing. All changes of address shall be effective upon written notice in the fashion provided by this section. The Parties hereby designate the following individuals to receive notice:

#### **For the County:**

Spokane County Parks, Recreation & Golf  
C/O Director  
404 North Havana St.  
Spokane, WA 99202

#### **For the State:**

Washington State Parks and Recreation Commission  
C/O Assistant Director, Parks Development  
P.O. Box 42650  
Olympia, WA 98504

### **SECTION 15: ENTIRE AGREEMENT**

This Agreement, including the exhibits, contains all the promises, agreements, conditions, inducements and understandings between the parties relative to the Subject Property; and there are no promises, agreements, conditions, inducements, understandings, warranties or representations, oral or written, expressed or implied, between them other than as set forth herein.

### **SECTION 16: SEVERABILITY**

If any portion of this Agreement should become invalid or unenforceable, the remainder of the

Agreement shall remain in full force and effect.

**SECTION 17: ALL WRITINGS CONTAINED HEREIN**

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. The State has read and understands this entire Agreement, and now states that no representation, promise, or agreement not expressed in this Agreement has been made to induce him to execute the same.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed on the day and year first set forth above.

Spokane County

BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

\_\_\_\_\_  
Todd Mielke, Chair

ATTEST:

\_\_\_\_\_  
Ginna Vasquez  
Clerk of the Board

Washington State Parks and Recreation Commission

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF WASHINGTON )  
\_\_\_\_\_) ss.  
County of Spokane )

I certify that I know or have satisfactory evidence that the above \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he/she signed this instrument and



acknowledged it as the authorized agent for the Washington State Parks and Recreation Commission to be its free and voluntary act of such party for the uses and purposes said forth in this instrument.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON residing at  
Olympia. My appointment expires:

## **Item E-2: Crystal Falls Emergency Salvage Timber Sale – Requested Action**

**EXECUTIVE SUMMARY:** This item asks the Washington State Parks and Recreation Commission to delegate authority to the Director to approve the sale of excess timber resulting from a July 2015 major wind event at Crystal Falls State Park Property. This item aligns with Agency core values and advances the Commission Transformation Strategy, “Provide recreational, cultural, and interpretive opportunities people will want.”

**SIGNIFICANT BACKGROUND INFORMATION:** On July 3, 2015, a major wind event hit Crystal Falls State Park Property and the surrounding landscape near Colville. In the wake of this storm, large areas of the park exhibit extensive tree blow-down. In places, 100 percent of the trees failed. In others, 50 percent or more of the trees are on the ground.

On July 14, 2015, agency Stewardship Program staff visited the site, along with several staff members from the Washington Department of Natural Resources (DNR), to review risks and options associated with the blown-down trees. DNR recommended that the area receive a salvage harvest as soon as possible, given the elevated risks of wildfire and bark beetle infestations associated with the materials on the ground. Shortly thereafter, agency staff engaged DNR to serve as Parks’ agent to assess the extent of the blow-down, estimate the volume and value of the material to be removed, and advertise/sell the failed trees for the agency. DNR has begun this process, estimating that  $\pm 70$  acres received significant impacts from the storm (Appendix 1). They have proposed a scale-sale given the difficulty in quantifying the volume of material to be sold and determining its condition.

By statute, trees that have been damaged by a catastrophic forest event may be removed from state parks. However, WAC 352-38-010(4) limits tree removal in certain land classifications. The Commission has not classified the lands at Crystal Falls, so these limitations do not apply to this situation. Under WAC 352-28-010(5), fallen trees are to be left on the ground “when deemed environmentally beneficial or used for park purposes...” The blown-down trees at Crystal Falls are not beneficial, as they pose an increased risk of wildfire and insect infestation. Furthermore, they far exceed the number that could be used in the park.

**STAFF RECOMMENDATION:** Staff recommends moving forward with a timber sale. The value of the sale cannot be determined until the harvest is completed, given the jack-straw nature of the timber (Appendix 2). Should the sale of natural resources prove to be in excess of \$25,000, Commission approval is required, pursuant to WAC 352-28-020. Staff recommends that the Commission delegate authority to the Director to authorize the sale of salvaged timber at Crystal Falls State Park Property consistent with Commission policy, agency procedures, and following required environmental review. Staff further recommends that the Commission affirm its standing policy that use proceeds from this timber sale be directed toward natural resource stewardship and related interpretive activities only.

The timber sale should help to significantly reduce the risk of a bark beetle infestation attacking residual trees in the park, while also removing large quantities of fuels that would contribute to a wildfire. A brief report on timber sale revenues and expenses associated with this sale will be provided to the Commission later in the fiscal year.

**LEGAL AUTHORITY:** RCW 79A.05.035, WAC 352-28-010. WAC 352-28-020

**SUPPORTING INFORMATION:**

Appendix 1: Areas of Crystal Falls impacted by July 3, 2015 windstorm

Appendix 2: Select images of blown-down trees at Crystal Falls, July 2015

**REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission*

1. Delegate to the Director authority to approve the sale of timber at the Crystal Falls State Park Property as recommended by staff.
2. Affirm that cash proceeds from the sale of timber will be reinvested into natural resource stewardship and related interpretive activities as recommended by staff.

---

**Author/Contact(s):** Robert Fimbel, Restoration Ecologist  
[Robert.Fimbel@parks.wa.gov](mailto:Robert.Fimbel@parks.wa.gov) (360) 902-8592  
Lisa Lantz, Stewardship Program Manager  
[Lisa.Lantz@parks.wa.gov](mailto:Lisa.Lantz@parks.wa.gov) (360) 902-8641

**Reviewer(s):**

**Randy Kline, SEPA Review:** Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-880.

**Chris Leeper, Fiscal Review:** Sale of timber from Crystal Falls State Park Property may produce revenue that exceeds the cost of tree felling and removal. As per the Commission's past direction, any net proceeds from proposed timber sales will be reinvested into natural resource stewardship and related interpretive activities as recommended by staff.

**Michael Young, AAG Review:** August 17, 2015

**Peter Herzog, Assistant Director**

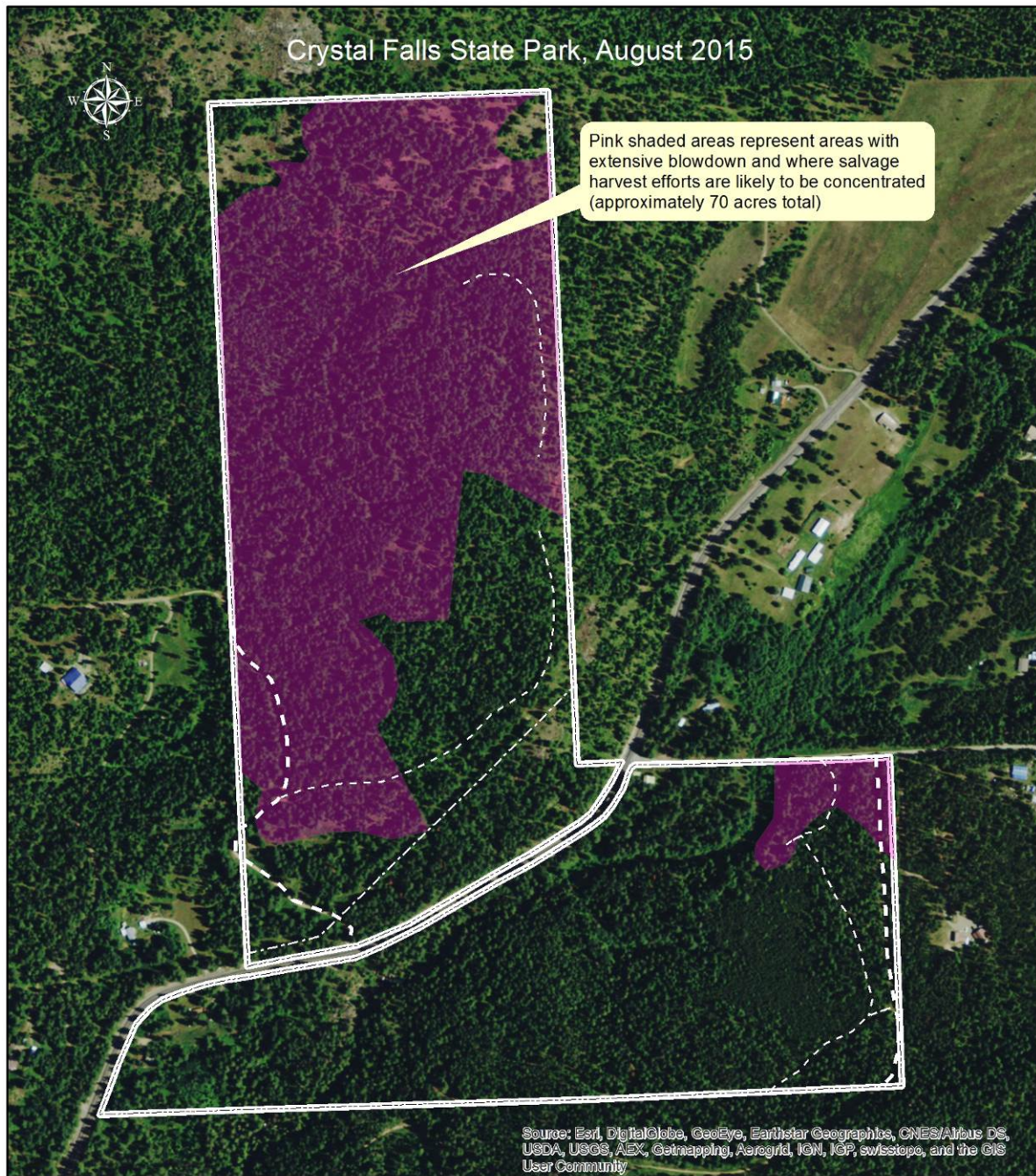
**Approved for Transmittal to Commission**

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**Don Hoch, Director**

# APPENDIX 1

## Areas of Crystal Falls impacted by July 3, 2015 windstorm



### Legend

- Approx\_boundaries\_unit2\_blowdown\_salvage\_area
- Approx\_boundaries\_unit1\_blowdown\_salvage\_area
- Park Boundaries (source: WSPRC)

0 200 400 800 1,200 1,600 Feet



**APPENDIX 2**  
**Select images of blown-down trees at Crystal Falls, July 2015**



## **Item E-3: 2016 Agency Supplemental Budget(s) – Requested Action**

**EXECUTIVE SUMMARY:** This item asks the Washington State Parks and Recreation Commission to approve policy direction for 2016 Supplemental Capital and Operating budget requests to the Office of Financial Management (OFM). This item also requests that the Commission authorize the Director or designee to submit supplemental budget proposals to OFM consistent with Commission policy direction. This item aligns with Agency core values and advances the Commission Transformation Strategy “Adopting a business approach to park administration”.

**SIGNIFICANT BACKGROUND INFORMATION:** 2016 Supplemental Budget requests are due to OFM on October 5, 2015. The Office of Financial Management issued a memorandum on August 19, 2015 (Appendix 1) instructing agencies to confine requested items to: (1) non-discretionary changes in legally-mandated caseloads or workloads, (2) necessary technical corrections, (3) additional federal or private/local funding, and (4) highest priority policy enhancements or resource reprogramming proposals consistent with the Governor’s priority goals under Results Washington.

In addition to OFM’s direction, staff worked under the following assumptions to develop a recommended operating supplemental budget request:

1. An additional \$4.7 million in revenue is estimated to be available for agency spending. \$4.3 million is associated with the Parks Renewal and Stewardship Account, and \$0.4 million is associated with the Snowmobile Account.
2. A target of an \$8.5 million June 30, 2017 ending fund balance for the Parks Renewal and Stewardship Account, which is consistent with current Commission policy.

### **SUPPORTING INFORMATION:**

Appendix 1: Office of Financial Management August 19, 2015, Instructions for 2016 Supplemental

Budget Submittals

Appendix 2: 2016 Supplemental Budget Request Items – Capital and Operating Budget

### **REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission:*

1. Delegate to the Director submittal of 2016 operating supplemental budget request to the Office of Financial Management that are consistent with Commission policy direction.

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**Author/Contact(s):** Shelly L. Hagen, Finance Director

**REVIEWS:**

**Randy Kline, SEPA Review:** Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800 (14)(c).

**Christeen Leeper, Fiscal Review:** Approval of this item will allow the agency to seek additional spending authority and funding for the agency.

**Michael Young, AAG Review:** 08/17/2015

**Approved for Transmittal to Commission**

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**Don Hoch, Director**

**APPENDIX 1  
OFFICE OF FINANCIAL MANAGEMENT AUGUST 19, 2015  
INSTRUCTIONS FOR 2016 SUPPLEMENTAL BUDGET SUBMITTALS**





STATE OF WASHINGTON

OFFICE OF FINANCIAL MANAGEMENT

*Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555*

August 19, 2015

**TO:** Agency Directors

**FROM:** David Schumacher  
Director

**SUBJECT: INSTRUCTIONS FOR 2016 SUPPLEMENTAL BUDGET SUBMITTALS**

Supplemental budget requests are due to the Office of Financial Management (OFM) on **Monday, October 5, 2015**. Submittals should focus on the following types of budget revisions:

- Non-discretionary changes in legally-mandated caseloads or workloads.
- Necessary technical corrections to the currently enacted budget.
- Additional federal or private/local funding expected to be received for the remainder of the biennium. Unless that funding has already been approved as part of the original legislative budget or as an unanticipated receipt (for spending prior to March 2016), it must be made part of the supplemental budget request using expenditure authority types 2, 7 or 8, as appropriate. (Note: The unanticipated receipt process is suspended during the legislative session.)
- Only the highest priority policy enhancements or resource reprogramming proposals consistent with Governor Inslee's priority goal areas under Results Washington.

Agencies are asked to limit all discretionary budget requests, consistent with their Lean management and other efficiency and performance management efforts to streamline and improve services while *reducing* costs. Budget requests should be limited to only those initiatives which meet the state's highest priority needs for the most efficient, high-quality services to the public over the long term.

Proposed **operating** supplemental budget revisions must be submitted to OFM electronically through the Budget Development System (BDS). Narrative justification follows the decision package format described in [Chapter 4 of OFM's 2015-17 budget instructions](#).

Narrative descriptions for any revisions should be as detailed as possible. The justification must fully explain why additions cannot be absorbed within the agency's existing budget. Also describe the implications to program outcomes and client services, revenues (including fees), legislation, and federal rules, as well as any barriers that might complicate achievement of a policy change. Clearly identify any changes that require [2016 agency request legislation](#).

As required by [RCW 43.135.055](#), unless otherwise exempted, fees may only be imposed or increased if approved by the Legislature. Submit legislation authorizing new fees or fee increases through the agency request legislation process. Request legislation is not required for any new fee or increased fee if an agency has existing statutory authority to impose or increase that fee. New fees, extensions of existing fees, and all fee increases, whether or not legislation is required, must be part of the supplemental budget submittal using OFM's [Request for New or Increased Fees](#) form.



**APPENDIX 1 (Continued)**  
**OFFICE OF FINANCIAL MANAGEMENT AUGUST 19, 2015**  
**INSTRUCTIONS FOR 2016 SUPPLEMENTAL BUDGET SUBMITTALS**

Instructions for 2016 Supplemental Budget Submittals  
Page 2 of 2

**Capital budget** revisions should be submitted to OFM using the Capital Budget System (CBS). The justification must follow the format described in [Chapter 2.3 of the 2015-25 capital budget instructions](#).

Proposals for the 2016 supplemental capital budget should be limited to technical corrections, emergency issues, return of project savings, and highest-priority enhancements consistent with Results Washington goals and outcomes. Because of the potential impact to the General Fund for projects supported by general obligation bonds and limited bond proceeds remaining, OFM may ask agencies to provide more information on reappropriations, cash disbursement schedules, or project options.

For budget revisions related to **information technology**, RCW 43.88.092 requires the Office of the Chief Information Officer (OCIO) to evaluate all proposed information technology (IT) decision packages and establish priority ranking of these proposals. The OCIO will be working closely with OFM budget staff to provide a prioritized list for the Governor and Legislature. Instructions for IT budget requests are included in [Chapter 12 of the 2015-17 operating budget instructions](#). However, the OCIO criteria that will be used to assess IT budget submittals have been updated for the 2016 supplemental budget. The new criteria can be found at [IT Decision Package Ranking Criteria](#) and an updated IT Addendum form can be found at [IT Addendum - 2016 Supplemental](#).

OFM will distribute budget requests to legislative staff, executive staff, archives, and the State Library. Please use the following guidelines in submitting hard copies to OFM:

- Transportation agencies
  - Higher education institutions
  - Dept. of Social and Health Services
  - Capital budget requests
  - All others – five copies
- } Seven copies

Hard copies should include the Recommendation Summary Report from BDS, decision package justification, summarized revenue report from BDS for agencies submitting revenue changes, and *Request for New or Increased Fees* document, if applicable.

Please release electronic data and deliver the specified number of copies for supplemental operating and/or capital budget requests no later than October 5, 2015, to:

Office of Financial Management  
Budget Division  
Insurance Building (Third Floor)  
302 Sid Snyder Avenue NW  
P.O. Box 43113  
Olympia, WA 98504-3113

Questions should be directed to your [assigned OFM budget analyst](#).

cc: Agency Budget Officers

**APPENDIX 2**  
**2016 SUPPLEMENTAL BUDGET REQUEST ITEMS**  
**CAPITAL AND OPERATING BUDGET**

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**Washington State Parks and Recreation Commission**  
**2016 Supplemental Budget Requests – Recommended Submittal**  
**As of August 25, 2015**

**Capital Budget – Supplemental Budget Request Items**

➔ No 2016 Supplemental Request Needed

**Operating Budget – Supplemental Budget Request Items**

**Spending Authority Request \$4.3 Million – Parks Renewal and Stewardship Account (PRSA)**

- ➔ Preventative Maintenance
- ➔ Law Enforcement Radio Upgrade
- ➔ Marketing Efforts
- ➔ Fire Related Activities

**Spending Authority Request \$0.4 Million – Snowmobile Account**

- ➔ Trail Grooming and Snow Removal

## **Item E-4: Agency Request Legislation for the 2016 Session – Requested Action**

**EXECUTIVE SUMMARY:** This item asks the Washington State Parks and Recreation Commission to establish principles to evaluate statutory proposals for the 2016 legislative session, and not submit 2016 agency request legislation. This item aligns with agency core values and advances the Commission Transformation Strategy, “Demonstrate that all Washingtonians benefit from their state parks”.

**SIGNIFICANT BACKGROUND INFORMATION:** Emerging out of the longest single-year legislative session in Washington history, the State Parks system now finds itself on firmer financial footing, than at any time since 2008. Operating tax support was increased from \$21 million in 2013-15 to \$31 million this biennium, capital budget support was also increased including 15% more in state construction dollars, and projected earned revenues have also increased. At the same time, no legislation passed during the 2015 session that reduced Commission administrative or budget flexibility.

Legislation that did pass in 2015 affecting the agency and parks system include new funding for the snowmobile winter recreation program, program modification and dollars for the No Child Left Inside program, establishment of an outdoor recreation policy advisor in the Governor’s office, and passage of the Cultural Access Program which allows local governments to impose a tax upon public vote for development of cultural facilities. In addition, budget provisos dealing with management of state parks’ land base included certain restrictions on land acquisitions, and mandatory transfer of lands adjacent to the Columbia Plateau Trail were included in the capital budget bill.

A number of possible impacts to Parks are still in play for the short 2016 session. Seven bills introduced in 2015 that in one way or the other would have reduced revenue from the Discover Pass are still on the docket. Other bills that drew statewide interest that are still open for evaluation include the potential for hunting in State Parks, tourism funding and promotion, and a number of bills effecting public land management.

In 2014, the Commission set the following principles as a basis for evaluating statutory proposals during the 2015 legislative session:

1. Budgetary adequacy and stability.
2. Flexibility for the Commission in generating revenue or creating operational efficiencies.
3. Increasing opportunities for Washingtonians to connect with their natural and cultural heritage in state parks, and
4. Clearing up inconsistencies in authority and procedure with other jurisdictions and with our internal systems.

Staff proposes a continuance of those principles as basis for evaluating potential legislation during the 2016 legislative session. Further, given that 2016 represents the 5<sup>th</sup> year of the Discover Pass program, staff is exploring opportunities to brief key legislative policy and budget committees and key legislators on the:

1. Status of the Discover Pass program,
2. Administrative efforts in place and planned to improve the program, and
3. A description of the research goals for the coming year that would inform policy makers on future improvements to the Discover Pass.

Staff is not recommending that the agency pursue any request legislation for the short 2016 session. After consultation with legislative leaders, executive and legislative staff, Parks staff and stakeholders, there emerged no critical statutory changes needed in the coming year. Rather, a focus on exploring and evaluating key alternative strategic directions leading up to the 2017-19 session was seen by many as a wiser course of action.

**LEGAL AUTHORITY: RCW 79A.05.030(1)**

**REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission:*

1. Approve staff recommended legislative principles as described in this agenda item, and not submit 2016 agency request legislation.

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**Author/Contact(s):** Daniel Farber, Director, Policy and Governmental Affairs  
[daniel.farber@parks.wa.gov](mailto:daniel.farber@parks.wa.gov) (360) 902-8504

**Reviewer(s):**

**Randy Kline: SEPA REVIEW:** Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800 (14)(h).

**Shelly Hagen, Fiscal Review:** There is no direct fiscal impact from this proposed action. Fiscal impact will be determined on a case-by-case basis if and when legislation is proposed.

**Michael Young, AAG:** Reviewed August 25, 2015

**Approved for Transmittal to Commission**

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**Don Hoch, Director**

**Item E-5: Saint Edward Seminary – Extension of Deadline for Proposals - Requested Action**

**EXECUTIVE SUMMARY:** This item asks the Washington State Parks and Recreation Commission to extend the time allowed for submittal of proposals for rehabilitation of the Saint Edward Seminary. This item aligns with Agency core values and advances the Commission Transformation Strategy: “Demonstrate that all Washingtonians benefit from their state parks.”

**SIGNIFICANT BACKGROUND INFORMATION:**

Saint Edward State Park, located in the City of Kenmore, is 316 acres and includes 3,000 linear feet of freshwater shoreline on Lake Washington. The property consists of undeveloped second growth forest along the lake, wide-open expanses of lawns and sports fields surrounded by

mature trees, and the seminary, gym, and pool buildings centrally located in the park (Appendix 1).

Historically, the collection of buildings served as a Catholic seminary for young men from 1931 to 1976. Saint Edward became the first fully accredited seminary in the U.S. when it became affiliated with the Catholic University of America and accredited by the Board of Education of the State of Washington. The property was acquired for park purposes by the State of Washington from the Archdiocese of Seattle in 1977 for \$7,000,000. In 2006, the building and its associated cultural landscape were listed on the National Register of Historic Places. From 1977 to the present day, the building has been used for park housing, and for rentals of the dining hall for special events or classes (Appendix 2).

In September 2014, the Commission considered a range of management options for the building, from rehabilitation to demolition. The poor condition of the building and the subsequent cost to stabilize and rehabilitate the building was discussed. It was clear that the only feasible way to invest in the building would be in partnership with a private or public entity and that State Parks did not have the ability to pay for the expense. As a result, the Commission directed staff to explore rehabilitation as the preferred management option, but emphasized future proposals must include sufficient detail and merit to reasonably assure prospects for success. The Commission allowed a one-year period for a public or private entity to develop a plan for building reuse, and directed that if, after one year, the Director determined there was no reasonable proposal, the seminary would be vacated (Appendix 3). The one-year period expires in September 2015.

Since September 2014, staff has encouraged proposals from private and public sector entities to rehabilitate the building. Staff recognizes the requirement to balance the agency's mission with the practical need to reduce costs, regardless of whether the seminary is occupied, unoccupied, or removed. It is therefore the goal of staff to recognize that rehabilitation cannot be achieved at the expense of the visitor experience, but must rather be achieved in harmony with it.

In August, the Director received a letter from Daniels Real Estate (Daniels), which outlines a conceptual proposal to preserve the building (Appendix 4). Staff has reviewed the concept and believes it is realistic, has the potential to succeed, and could greatly enhance the visitor experience of the park.

### **Concept Proposal by Daniels Real Estate**

Daniels proposes to rehabilitate the seminary building for a new use, while attempting to retain as much of the historic fabric and character defining features of the seminary as practicable (Appendix 4). The process required to realize this vision involves a phased approach, with a land exchange first, and rehabilitation of the seminary second. Each phase includes intermediate milestones that will be used to demonstrate progress.

In the first phase, Daniels seeks to acquire the building complex, including the seminary, pool, gymnasium, and associated open space from the Commission in exchange for an undeveloped 9.77-acre tract of waterfront land referred to as the McDonald property. Located on the northwest corner of the park, the McDonald property includes over 450 feet of Lake Washington shoreline, steep ravines, and forested uplands. The property is contiguous with the park and located within its long-term boundary. The McDonald property and an adjacent property are the last remaining undeveloped, forested, shoreline properties on Lake Washington. Acquisition will

preserve habitat, resolve ongoing management issues, and support recreational opportunities including hiking, swimming, fishing, and kayaking.

The second phase involves rehabilitation of the seminary by Daniels. Their objective is to preserve the Seminary building listed on the National Register and repurpose it in a manner that is considered productive and compatible with State Parks' mission. Given the overall poor condition of the building today, and the need to meet current building codes, rehabilitation will require a significant investment by Daniels. The estimated cost for rehabilitation is between \$30 million and \$50 million. As a result, Daniels proposes to first acquire the building complex in fee to maximize their flexibility in finding an appropriate tenant and allow them to advance the project with a minimum of uncertainty (Appendix 4).

### **Conversion Process**

Saint Edward State Park was acquired with funding from the federal Land and Water Conservation Fund (LWCF), administered by the National Park Service (NPS) through the Washington State Recreation and Conservation Office (RCO). LWCF properties are subject to the language in the Section 6 (f) (3) of the LWCF Act, which states:

*No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.*

While public access to the Seminary may actually increase, a change in its ownership will technically trigger a "conversion" under LWCF restrictions. Although the Daniels proposal is designed to resolve this conversion, approval of that resolution will take up to one year and include appraisals of both the Seminary building complex and the McDonald property to accurately determine their respective fair market and recreational values.

The conversion process will be led by RCO. RCO serves as the State administrator of LWCF for NPS and provides the necessary documentation to complete the conversion process. For LWCF conversion requests, RCO makes a formal recommendation to NPS on whether to approve the conversion request. NPS is the final approval authority. Their federal action is to decide whether to remove federal protection from the conversion property and move it to the replacement property.

### **Next Steps**

Staff anticipates a multifaceted administrative process to follow, with the majority of future tasks occurring in sequence, while other steps occur simultaneously. A more specific timeline of milestones will be developed in the second half of September should the Commission extend the September 30, 2015 deadline for a formal proposal. Staff will work with various governmental entities and Daniels Real Estate to develop a project timeline that clarifies roles, responsibilities and due dates.

### *Rehabilitation Plan*

Daniels' proposal is to rehabilitate the seminary building for use as a lodge/retreat. According to Daniels, the building, designed by renowned local architect John Graham, Sr. would be renovated using the highest preservation standards, the cost of which will be tens of millions of dollars to complete. The pool building would be renovated for a new use while the gym would be used as is today. More specific information on the design concepts are forthcoming should the Commission extend the September 30, 2015 deadline.

#### *Entitlement of the Building Complex*

The term entitlement is used to describe the process to secure governmental approvals from multiple regulatory jurisdictions necessary for a development project to proceed. Locally, the proposed project will have to comply with the City of Kenmore's comprehensive plan, land use, and development regulations. At the federal level, compliance with the National Environmental Policy Act (NEPA) will be required because the park was purchased with federal LWCF funding. As it is developed during the coming months, this documentation will be made available for public comment.

#### *Conversion Process*

The information required to complete the conversion process is summarized below and is described in greater detail in Appendix 5:

1. Cover letter to RCO Director with narrative addressing 36 CFR Part 59 of the LWCF Act.
2. Cultural Resources Review consistent with Section 106 of the National Historic Preservation Act for the conversion and replacement properties.
3. Environmental assessment for NEPA compliance.
4. Appraisal and review appraisals for conversion and replacement properties per LWCF manual requirements to demonstrate equivalent fair market values.
5. RCO acquisition documentation for replacement property.
6. Maps showing location and parcel detail.
7. Site development plan and schedule for replacement property.
8. Revised site development plan and schedule for remaining parkland, if applicable.
9. Draft RCO deed of right for replacement property
10. Draft RCO release deed of right for conversion property

#### *Public Meetings and Comment Periods*

A public meeting was held August 25, 2015 in Kenmore to present development concepts and to highlight key milestones to preserve the building. The meeting also provided an opportunity for public comment. Comments have been provided to the Commission for review. In addition to public informational meetings, the public will have several additional opportunities to provide feedback as the proposal proceeds including:

- NEPA written comment period
- Public testimony at the required State Parks' Land Exchange Hearing
- Public testimony at State Parks Commission meetings

- Written comments directed to the Recreation and Conservation Office (comment period regarding the conversion)
- Public testimony at the Recreation and Conservation Funding Board meeting (regarding final recommendation on the conversion to the NPS)

**STAFF RECOMMENDATION:**

Staff recommends that the Commission review the conceptual proposal from Daniels Real Estate and find that it merits extension of the September 30, 2015 deadline. Staff further recommends that the Commission approve a one-year extension to allow Daniels Real Estate to further develop its proposal in cooperation with staff. Staff anticipates providing the Commission with regular progress reports during the next year.

**LEGAL AUTHORITY:**

79A.05.030 Powers and duties - Mandatory

**SUPPORTING INFORMATION:**

- Appendix 1: Map of Saint Edward State Park
- Appendix 2: Map of Saint Edward Seminary building complex
- Appendix 3: August 12, 2015 Letter from Daniels Real Estate to the Commission
- Appendix 4: RCO Conversion Documentation checklist



**REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission:*

1. Approve a one-year time extension to allow Daniels Real Estate to further develop its proposal for a land exchange and rehabilitation of the Seminary.
2. Direct staff to complete preparatory tasks necessary to bring a potential land exchange proposal to the Commission for consideration.

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**Author(s)/Contact:** Michael Hankinson, Parks Planner - Planning and Partnerships  
[michael.hankinson@parks.wa.gov](mailto:michael.hankinson@parks.wa.gov) (360) 902-8671

**Reviewer(s):**

**Randy Kline, SEPA Review:** Pursuant to WAC 197-11-310 and WAC 197-11-340, staff issued a “Determination of Non-Significance” for the staff recommendation finding that the action proposed by Commission staff was minor and the environmental effects not significant.

**Christeen Leeper, Fiscal Impact:** Indeterminate at this time. Approval of this item will allow the agency to further explore management strategies.

**Michael Young, Assistant Attorney General:** August 13, 2015

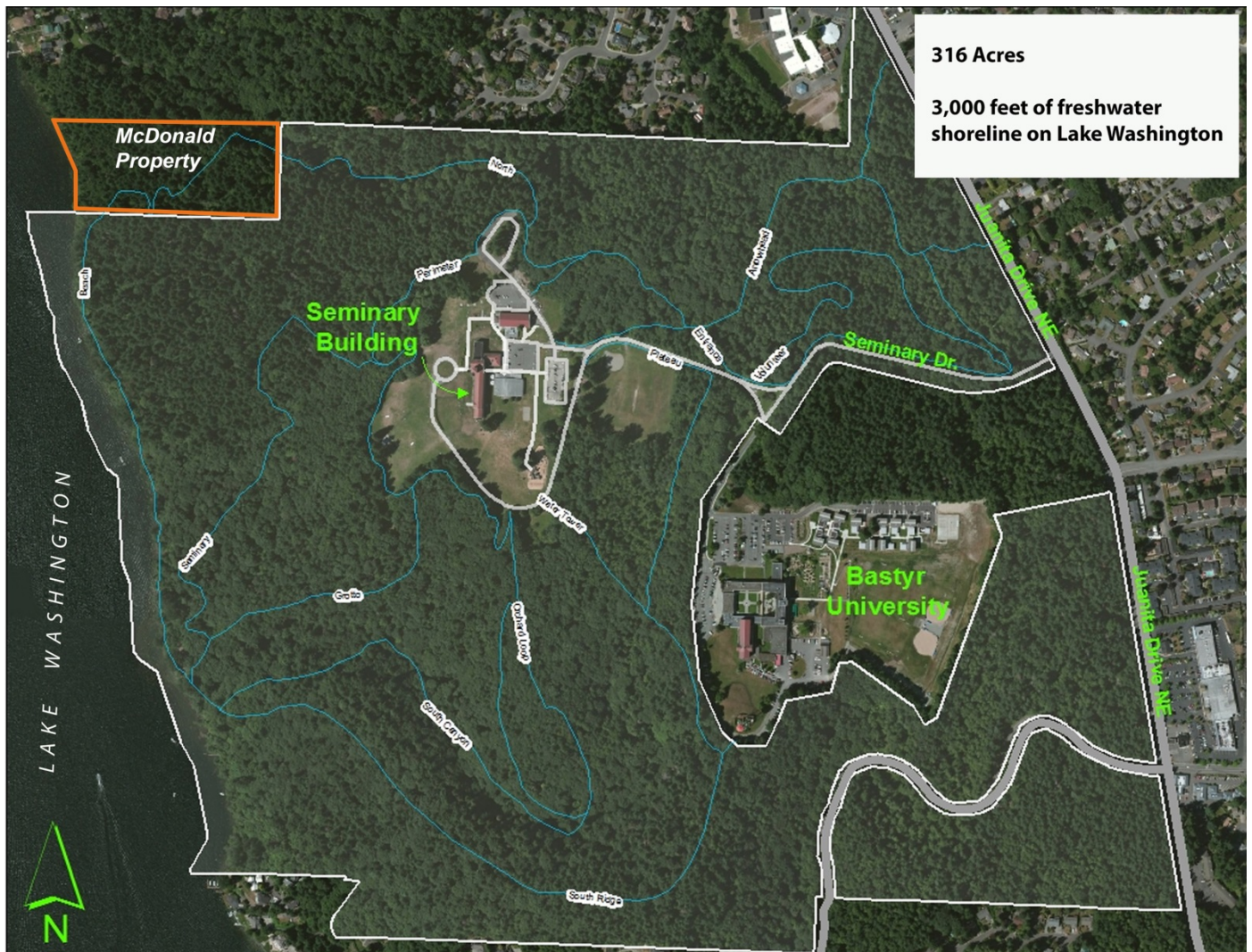
**Peter Herzog, Assistant Director:**

Approved for Transmittal to Commission

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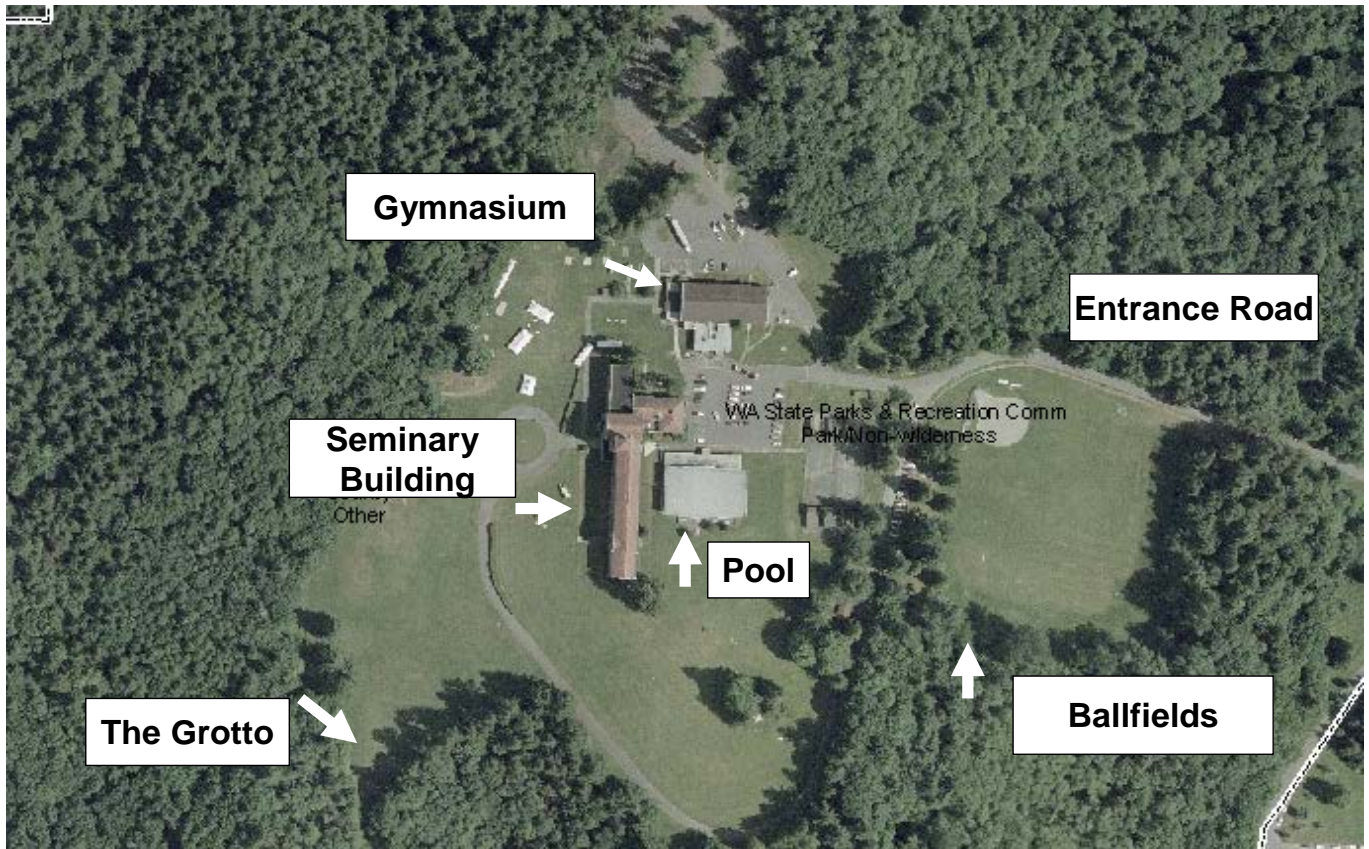
**Don Hoch, Director**

# APPENDIX 1 SAINT EDWARD STATE PARK





**APPENDIX 2**  
**SAINT EDWARD SEMINARY BUILDING COMPLEX**



# APPENDIX 3

## AUGUST 12, 2015 LETTER FROM DANIELS REAL ESTATE TO THE COMMISSION



August 12, 2015

Washington State Parks & Recreation Commission  
1111 Israel Road SW  
Olympia Washington 98501

RE: St. Edward Seminary  
Kenmore, Washington

Dear Commissioners:

Daniels Real Estate wishes to thank you for the opportunity to present a summary of our proposal for the adaptive reuse of the historic St. Edward Seminary building complex. As you know our team has extensive experience in successfully rehabilitating iconic historic structures in Seattle, such as the 1906 King Street Station, 1911 Union Station, Cadillac Hotel, Merrill Place, Starbucks Center and the Frye Art Museum (three of which won National Preservation Awards for "Stellar Contributions to protecting America's history").

Our goal for St. Edward is to save the historic seminary building and increase the public access to the facility. Our concept is modeled after the great lodge facilities in many of our national and state parks to create a retreat experience for the public and an oasis within an urban metropolitan area. When completed, the seminary building will contain overnight rooms, spa & fitness facilities, meeting rooms and culinary experiences placed back into the building (similar to its original use), while providing more public access to the building than at any time during its nearly ninety years of existence. The plan will bring many more statewide residents to the park by offering these additional services without compromising the incredible beauty and solitude of the 316 acre park.

The specifics of our plan entails the exchange of one of the last parcels of undeveloped waterfront land on Lake Washington for the St. Edward three building complex. The nearly ten acre waterfront property is immediately contiguous to the existing park. This exchange is a once in the lifetime opportunity to expand the park that was almost lost to private development and will never be available again. The parcel was nearly under contract to a residential housing developer and we feel extremely fortunate to have worked out a mutually acceptable transaction with the owners so the parcel can be added to the park and its old growth forest protected for generations to come.

The historic seminary building, designed by renowned local architect John Graham, Sr., will be renovated using the highest preservation standards into a jewel of Pacific Northwest hospitality. As you are aware from previous reports from the State Park's staff, the cost of bringing the structure back to life will cost tens of millions of dollars. Our plan assumes the gymnasium will continue in its current use, and the former pool building will be stabilized and a new use determined at a future date. The estimated cost of these improvements, plus addressing the critical need for additional parking for visitors of the park and the new facility, will be in excess of \$50mm based on our current estimates.



My team has been working on various concepts to save the historic seminary building over the last eighteen months and we have expended hundreds of hours of time and tens of thousands of dollars on due diligence related work. We would expect to spend hundreds of thousands of additional dollars if our request for an extension (below) is granted. We believe we have a thorough and deep understanding of the facilities as they exist today. The plan we are proposing is challenging, and will be difficult to achieve, but our previous accomplishments have only come via hard work and patience.

As a result of our preliminary due diligence work we believe we have a good chance of success and request that the commission grant a one year extension of time for the State Park's Agency Director and staff to reach a final solution to the issues surrounding these three buildings within the St. Edward Park.

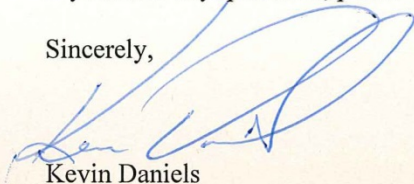
It is our belief that our proposal will benefit the residents of the state of Washington by-

- Rehabilitating one of the most iconic buildings in the State Park's inventory;
- Resolve the issue of the Commission finding funding for the \$11 to \$13 million of estimated deferred maintenance costs given tight budget concerns;
- Protect a building listed on the National Register of Historic Places and breathe new life into it for the next century of use;
- Avoid a costly battle that would attract national attention if the buildings were proposed to be demolished;
- Allow more public access in the first year of its new use than has happened over the first ninety years of its life;
- Create thousands of new jobs during construction (both direct and indirect), and hundreds of long-term family wage jobs during its operation;
- Build upon a long legacy of great lodge facilities in significant nature treasures like Yellowstone and Mt. Rainier National Parks.
- As in all of our projects, we will incorporate the latest advancements in sustainable design and practices and will target LEED Gold certification.
- Bring additional tourists and visitors to the City of Kenmore (who would never have visited otherwise) and increase tax revenue substantially for both King County, Northshore School District and the City of Kenmore.
- Finally, to provide a jewel for use by the residents of the State of Washington that would draw people from every corner of the state to visit.

We look forward to presenting our thoughtful and well developed concept during the Commission's September 10<sup>th</sup> meeting in Spokane.

If you have any questions, please contact me.

Sincerely,



Kevin Daniels  
President

## APPENDIX 4

### RCO CONVERSION DOCUMENTATION CHECKLIST

*For LWCF conversion requests, RCO makes a formal recommendation to the National Park Service on whether to approve the conversion request. The NPS is the final approval authority. Their federal action is to decide whether to remove federal protection from the conversion property and move it to the replacement property.*

1. Cover Letter to RCO Director with narrative addressing 36 CFR Part 59 of the LWCF Act.
2. Cultural Resources Review for Section 106 of the National Historic Preservation Act for the conversion and replacement properties.
  - a. [EZ1](#) form(s) for archeological review with identified Area of Potential Effect.
  - b. Information needed for [historic properties review](#), if appropriate.
    - RCO submits information to Department of Archeological and Historic Preservation.
    - NPS submits information to Indian Tribes.
    - May lead to additional survey work and a memorandum of agreement on any identified impacts.
3. Environmental assessments for National Environmental Policy Act compliance.
  - a. Draft EA per instructions in [LWCF manual](#) (pages 4-4 to 4-9 and 8-3 to 8-10).
  - b. Include site location maps as appropriate.
  - c. Include 6f boundary maps for current protected park area, park area protected after conversion and new park protected at the replacement property.
  - d. Include alternatives analysis of conversion (LWCF requirement) and replacement (RCO requirement).
  - e. Include discussion of how the proposed conversion and replacement are in accord with the [State Comprehensive Outdoor Recreation Plan](#).
    - Provide draft to RCO and NPS for review.
    - Once reviewed and approved, the project sponsor releases the EA for 30-day public comment and intergovernmental review.
    - Project sponsor summarizes public and intergovernmental reviews comments in a final draft.
    - Provide final draft EA to RCO.
4. Appraisal and review appraisals for conversion and replacement properties per [LWCF manual](#) requirements (pages 4-19 to 4-22) to demonstrate at least equivalent fair market values.
  - a. Exclude the value of structures or facilities that will not directly enhance the outdoor recreation utility.
  - b. Value dates for both appraisals should reflect the date of acquisition of the replacement property.
5. RCO acquisition documentation for replacement property.

- a. Hazardous Substances Certification Form with RCO checklist or phase 1 environmental site assessment.
  - b. Preliminary title report
  - c. Notice of voluntary transaction to landowner
  - d. Notice of just compensation to landowner
  - e. Relocation plan, if eligible displaced parties on site
6. Maps.
- a. Location map showing relative location of conversion and replacement properties.
  - b. Location map for the conversion property.
  - c. Location map for the replacement property.
  - d. Detailed parcel map of the converted parcel (with legal description).
  - e. Detailed parcel map of the replacement property (with legal description).
  - f. Sign and dated 6(f) boundary maps for the remaining protected parkland and the replacement property per [LWCF manual](#) requirements (page 6-3 to 6-5).
7. Site development plan and schedule for replacement property.
8. Revised site development plan and schedule for remaining parkland, if applicable.
9. Draft RCO deed of right for replacement property, if the original project was an acquisition project.
10. Draft RCO release deed of right for conversion property, if the original project was an acquisition project.

## **Item E-6: Real Estate Delegations of Authority – Requested Action**

**EXECUTIVE SUMMARY:** In January and March, 2015, the Washington State Parks and Recreation Commission (Commission) made changes to its policy on delegation of authority to Commission staff to enter into certain types of real estate transactions. This item asks the Commission to codify those previously made policy changes in a revised Commission Policy 25-07-01, Delegations of Authority for Real Estate Transactions & Service and to make minor “housekeeping” changes to that Policy. This item aligns with Agency culture and core values and advances the Commission Transformation Strategy “Adopt a business approach to park system administration”.

**SIGNIFICANT BACKGROUND INFORMATION:** At its regular meeting on January 29<sup>th</sup>, 2015, the Commission adopted requested action E-2. At its regular meeting on March 26<sup>th</sup>, 2015, the Commission adopted requested action E-5. Both of those actions modified previous Commission policy that had been codified as Commission Policy 25-07-1. Commission Policy



25-07-01 sets forth those Commission delegations of signature authority to the Director related to non-recreational uses of park property.

Commission Policy 25-07-1 was first adopted in September of 2007. In the September 2007 Requested Action, staff to the Commission provided the following information to support the staff request to consolidate non-recreational uses of parkland policies into a single policy document:

*On May 3, 2001, through an agenda item titled “Land Transaction Policy and Manual Adoption” the Commission consolidated 15 policy statements on land management and delegated to the Director those authorities necessary to complete a variety of routine property transactions. Those Commission approvals became the foundation of the **LANDS** (Land Authorization and Documentation System). The May 2001 agenda item also requested staff to provide updates in response to new policy direction, changes to statutory authorities, or procedures needed to improve customer service and to better manage park land.*

*In response to that Commission request, staff proposes updates, revisions, and new delegations to the Director or designee in order to:*

- *Formalize and gather into one document, the body of the Commission’s real-estate-related authorities already delegated to the Director.*
- *Reduce the number of routine and repetitious requests for real estate transactions that are submitted for the Commission action.*
- *Increase efficiency and streamline processes.*

Since the Commission adoption of Commission Policy 25-07-1 in 2007, the Commission has periodically approved significant revisions to the Policy on five separate occasions with the most recent revisions occurring in August of 2012.

**STAFF RECOMMENDATION:** Staff recommends that the Commission adopt revisions to Commission Policy 25-07-1, which codify policy changes made by the Commission to Commission Policy 25-07-01 in January and March, 2015, and which include minor “housekeeping” amendments. Revised Commission Policy 25-07-1 is attached as Appendix 1. The primary revisions to Policy 25-07-1 reflect the Commission actions taken earlier in 2015 to rescind previously delegated authorities allowing the Director or designee the authority to execute agreements with other forms of government to: 1) authorize management non-State Park owned properties, and 2) authorize other forms of government to manage State Park owned properties. These policy revisions are defined by the deletion of Section N and the revisions to Section G of Policy 25-7-1.

Pursuant to the March 26<sup>th</sup> 2015 Commission action, revisions to Commission Policy 25-7-1 also include updated delegations authorizing the Director to execute short term agreements including Memoranda of Agreement (MOA) or Understanding (MOU) and Interlocal/Interagency Agreements with tribal and other forms of governments, non-profits, friends groups etc. under certain terms and conditions as defined in Section G of Policy 25-07-1.

Additionally, pursuant to prior Commission policy direction, staff proposed revisions to Policy 25-07-1 related to further restricting the Director's authority to execute lease agreements of less than 20 years if the anticipated use authorizes second party operations of entire parks, major facilities within a park, establishes new agency policy or the use could elicit public controversy as defined in Section C (3) of Policy 25-07-1. All revisions to Policy 25-07-1, including minor "housekeeping" revisions, are provided in Appendix 1 of this Item in red-line and strike-through format.

**LEGAL AUTHORITY:**

RCW 79A.05.030 (5) Powers and duties – Mandatory

RCW 79A.05.070 (5) Further powers – Director of parks and recreation – Salaries

RCW 79A.05.075 Delegation of commission's powers and duties to director

**SUPPORTING INFORMATION:**

Appendix 1: Proposed Revised Commission Policy 25-07-1 "Delegations of Authority for Real Estate Transactions & Service".

**REQUESTED ACTION OF COMMISSION:**

*That the Washington State Parks and Recreation Commission:*

- 1) Adopt the Proposed Revised Commission Policy 25-07-1 "Delegations of Authority for Real Estate Transactions & Service"

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**Reviewers:**

**Randy Kline, SEPA:** Following review, staff has determined that the action proposed for the Commission by staff is exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800 (19).

**Chris Leeper, Fiscal Impact Statement:** There is no fiscal impact directly associated with approval of the policy revisions in this requested action.

**Michael Young, Assistant Attorney General, Michael Young:** August 11, 2015

**Approved for transmittal to Commission by:**

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**Don Hoch, Director**

## APPENDIX 1

### 25-07-1 Delegations of Authority for Real Estate Transactions & Service

*(As revised January 29, 2015 by Agenda Item E-2 and March 26, 2015 by Agenda Item E-5)*

#### **Revisions *shown in red* and ~~strike through~~**

Provided that all actions serve the public good by enhancing the State's natural, cultural or recreational resources, the Commission grants a consolidated Authority that allows the Director or designee to:

- A. Grant real property agreements (leases, easements and permits) or execute transfers of fee interest or development right as provided for by law on any State Parks' property which the Commission has unanimously designated as surplus parklands (as defined in Commission Policy 55-06-1 or in RCW 79A.05.175); Provided:
  - 1. All public notice and public hearing statutes, policies and procedures are met.
  - 2. ~~Staff periodically provides the Commission with a summary of agreements or transfers executed under this authority.~~
- B. Transfer fee interests, through sale at public auction or as provided for in RCW 79A.05.170, in any State Parks' property which the Commission has unanimously designated as surplus parklands (as defined in Commission Policy 55-06-1 or in RCW 79A.05.175); Provided:
  - 1. All public notice and public hearing statutes, policies and procedures are met.
  - 2. No transfer of fee interest shall be executed under those authorities granted in RCW 79A.05.178.
  - 3. The minimum bid of all lands sold at public auction shall first be determined through appraisal to the satisfaction of the Commission.
  - 4. No exchange of lands shall be authorized under this authority.
  - 5. Lands authorized for sale through public auction under this delegation shall first be offered to the county, local governments and Tribal Nation in which the lands are situated. If more than one other form of government offers to purchase surplus lands as described therein, the Director or designee shall offer the sale to the highest and best bid received.
- C. Accept or grant non-fee simple agreements, permanent or temporary, necessary for the implementation of State Parks' projects, to **continue current management activities**, or partnerships, **or to complete** fee-simple real property purchases ~~and programs~~ approved or budgeted by the Commission, or directed/funded by the Washington legislature or Governor's Office.

All other agreements for the installation, operation and maintenance of utilities and facilities; for the use of park roads by second parties; and for other uses of parklands and facilities, shall be subject to the following conditions and limitations:

- 1. That no permanent property right is conveyed unless the conveyance ~~is reciprocal, for the primary benefit of the Commission or~~ meets the criteria of subparagraph C(4) below.
- 2. That permits will:
  - a) Be granted for terms not to exceed five years or 60 total months.

- b) Meet the general criteria for a use permit as detailed in the *LANDS Manual*.
  - c) Only authorize improvements or facilities that are movable and temporary in nature.
3. That leases for periods not to exceed twenty (20) years will be granted only **when the permitted use does not set a major policy precedent or have a high potential to elicit public controversy, does not authorize operation of entire parks or major facilities within a park (e.g., campgrounds and environmental learning centers),** the lease is for a park concession as defined in Commission policy 55-06-1, Section I.G **and/or** at least two of the following conditions exist and lessee's permitted use will not adversely affect natural, cultural or historic park resources: (Temporary impacts due to construction are acceptable if mitigated, and if the property is returned to a condition as good or better than before the activity.)
- a) Lessee's permitted use is not considered a commercial venture.
  - b) Lessee's permitted use will provide for increased recreational opportunity or for improved habitat/natural conditions.
  - c) Lessee's permitted use does not require new construction, is located within, or adjoins, existing facilities, and the lease area is less than ten acres.
  - d) Lessee is another government agency or sub-division thereof **and the lease does not include any facility or combination of facilities larger than 5,000 square feet**
  - e) The lease area is located within a rail-trail right-of-way.
  - f) The lease is on undeveloped land and the permitted use supports grazing or agricultural purposes.
  - g) The lease may be terminated for any higher park purpose by the Commission following formal notice of one year or less to the Lessee.
4. That easements for any period will be granted when the conveyance is the conversion of a "grandfathered" crossing permit as defined in Commission Policy 55-06-1 to an easement or when at least two of the following conditions exist and the permitted use will not adversely affect natural, cultural or historic park resources: (Temporary impacts due to construction are acceptable if mitigated, and if the property is returned to a condition as good or better than before the activity.)
- a) The easement is underground or provides access for residential uses.
  - b) The easement area is less than 1,000 linear feet or less than two acres in total area.
  - c) Lessee is another government agency or sub-division thereof.
  - d) The easement is located within a rail-trail right-of-way.
5. That the applicable environmental declaration indicates that the action is minor and that the adverse effects are not significant can be readily mitigated or are categorically exempt from SEPA.
6. That the real property agreement, binding on all signatories, fulfills statutory requirements under RCW 79A.05.030 (5) and RCW 79A.05.070 (7); is approved as to form by the AAG; and follows Commission policy and objectives as detailed in the *LANDS Manual, Volume One: Narrative and Data Tables, Section III* and *Volume Two: Procedures, Section RPA*.

**D.** Renew, replace, assign or amend existing lease, easement, permit and other agreements with current State Parks' documents; Provided:

~~1. The new agreement is more restrictive than the previous agreement (i.e., reduced lease term, additional language to protect Commission interests or higher levels of bonding and insurance, etc.);~~

~~1.2.~~ All costs associated with the renewal, replacement, assignment or amendment is borne by the proponent;

~~2.3.~~ The assignment or amendment is offered to cure a minor error or omission in the original document;

~~3.4.~~ The amendment will not materially change the original permitted use unless such a change is necessary for public health and safety;

~~4.5.~~ The new agreement meets the general conditions described in Section C (3) (4) and (6) of this delegation. (e.g., 20-yr. lease; conforming language, etc.); or

~~5.6.~~ The agreement is appurtenant to non-traditional parklands (as defined in Commission Policy 55-06-1).

**E.** Accept services in lieu of or in addition to cash or monetary considerations for grants involving leases, permits or easements; provided:

1. The in-kind services are documented and accepted in writing as being of equal or higher value than the negotiated monetary value for the use.

2. Acceptance is consistent with state law, specifically public works and prevailing wage statutes or;

3. The proponent is a public entity or a non-profit organization.

**F.** ~~Sign~~ **Accept or grant** Restrictive Covenants, Declaration of Covenants and accept encumbrances, perpetual restrictions, conservation easements or deed reservations involving property for the purpose of protecting or improving recreational, natural, historical or cultural resources, public health, safety and welfare, consistent with health requirements and/or authorities with jurisdiction; Provided, the agreement, binding on all signatories, fulfills statutory requirements under RCW 79A.05.030(5) and RCW 79A.05.070(7); is approved as to form by the AAG; and follows Commission policy and objectives as detailed in the *LANDS Manual, Volume One: Narrative and Data Tables, Section III* and *Volume Two: Procedures, Section RPA*.

**G.** ~~Sign~~ **Accept or grant agreements** (e.g., Memoranda of Agreement or Understanding, Interlocal Agreements) **with tribal and other forms of governments, non-profits, friends groups** and accept encumbrances, perpetual restrictions, conservation easements or deed reservations involving property for the purpose of protecting or improving recreational, natural, or cultural resources or public health, safety, and welfare; Provided, the agreement, binding on all signatories, fulfills statutory requirements under RCW 79A.05.030(5) and RCW 79A.05.070(7); is approved as to form by the AAG; and follows Commission policy and objectives as detailed in the *LANDS Manual, Volume One: Narrative and Data Tables, Section III* and *Volume Two: Procedures, Section RPA*. **PROVIDED any term agreement:**

- **Is limited to a term of 5 years**
- **Is consistent with applicable statute, and with Commission rules, policies, adopted strategic planning documents and other Commission actions**

- Is consistent with park-specific Commission guidance (e.g., park master plan, land classifications, and long-term boundary)
- Does not authorize operation of entire parks or major facilities within a park (e.g., campgrounds and environmental learning centers)
- Does not set a major policy precedent or have a high potential to elicit public controversy

**H.** Spend Parkland Acquisition Account (PAA) funds to execute agreements and purchase fee-simple ownership in properties or property rights (*i.e.*, uplands, tidelands and shorelands; improvements and structures) when the fee-simple purchase is time-sensitive, and/or where acquisition is effectively prohibited using traditional fund sources; Provided:

- The fee-simple purchase price is under \$100,000
- The parcel is non-complex (*e.g.*, single owner, minor improvements, no liens, etc.), and
- The parcel is adjacent to or adjoins existing parklands; or
- The parcel meets the criteria described in Section (K) below.

**I.** Spend PAA funds to obtain non-fee-simple ownership easements and rights, preferably in perpetuity, but under no condition for less than 30-year terms, when the non-fee-simple interest is deemed “highest value<sup>1</sup>” when considered in the context of adopted park objectives, and the purchase price is under \$100,000.

**J.** Accept donations of real property or partial interests in real property; Provided, the donation parcel is adjacent to existing park property. Acceptance may be completed only after a formal acceptance letter is offered to the donor by the Director, stating that the land or partial interest of the lands involved is beneficial to the state park system.

**K.** Acquire real property; provided, that the property is acquired from willing seller(s), is less than 10 total acres, or that the purchase price is under \$500,000 (2007 dollars, as adjusted for inflation); and funding is available through either the PAA or a grant source. Additionally, the property to be acquired shall be:

- Located entirely within a Commission-approved, long-term (CAMP) boundary or other agency adopted master plan or development plan
- Needed to complete an agency adopted capital project
- Needed to complete an agency adopted partnership project

**L.** Act on any Commission decision relating to real property and adopted in open session, for a period of ten (10) years from the date of the adopted item in accordance with the action and in an effort to complete the property transaction; Provided, that the action is essentially the same as and materially consistent with the original Commission decision. For transactions completed beyond 24 months from the date of the original decision, staff will provide a written report to the Commission on the property transaction.

**M.** Make necessary adjustments in the legal description and deed of a subject parcel as deemed to be in the best interest of the State, and take other minor or administrative actions as necessary

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<sup>1</sup> *Highest Value* -- the consideration given to a property based on criteria including: future availability, value in use to the park, conversion risk and any other park-specific conditions that contribute to overall WSPRC objectives. *Example of a “park-specific condition that contributes to an overall park objective”:* Purchasing easement interests to provide water/utility services from an existing provider when the alternative is acquisition of non-recreational lands with water availability.

to complete real estate transactions approved by the Commission, including but not limited to correcting scrivener's errors, making amendments to park boundaries following disposal of parkland, and revising or amending agreements when the revision or amendment constitutes less than a 20 percent change in the original agreement or scope of work (*e.g.*, adding a water line to a sewer line in the same trench.)

~~N. Sign agreements for the purpose of managing or operating recreational lands or facilities or agreements which improve natural, historical or cultural resources on lands owned or managed by other forms of government or federally regulated entities provided the operation results in an economic benefit to the Washington State Park system over the term of the agreement.~~

**N.** Upon request, **but at least annually**, provide the Commission a listing of **property transfers**, leases, easements, permits, covenants and other agreements granted and accepted under this authority.